

## REMARKS

Claims 1-11 are pending in the application. In the Office Action of May 28, 2004, the Examiner made the following disposition:

- A.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*
- B.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 has been amended to claim that the gas absorbable material has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm.

Referring to Applicants' Figures 1 and 2 for illustrative purposes, claim 1, as amended, claims a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal. A gas absorbable material and resin material are interposed between an outermost layer of the outer covering member and the battery element. A content of the gas absorbable material is in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material. The gas absorbable material has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm.

A first gas absorbable member is positioned at a first side of the battery element. A second gas absorbable member is positioned at a second side of the battery element opposite the first side. The laminated film has a first outer covering member and a second outer covering member, the first outer covering member and the second outer covering member being a single common piece of material. The first outer covering member has a preformed recess accommodating the battery element. The second outer covering member extends from one side of the first outer covering member and is folded onto the first outer covering member covering the battery element and the preformed recess.

Thus, Applicants' claimed gas absorbable material has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm. As discussed in Applicants' specification, if the thickness is more than 1.0 mm, a loss of volume energy density becomes larger, and if the thickness is less than 50  $\mu\text{m}$ , the formation of the gas absorbable material becomes difficult. (Specification, page 16, lines 10-16).

This is clearly unlike *Chaloner-Gill* in view of *Bullock*, which fails to disclose or suggest Applicants' claimed gas absorbable material. As described above, Applicants' claimed gas absorbable material has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm. *Chaloner-Gill* fails to even discuss the thickness of its gas absorbable material. Instead, *Chaloner-Gill* merely states that each of its 7 layers should be "on the order of about 20-30 microns and the scavenger is at least a monolayer with a particle size of about 10 microns or less." (Col. 9, lines 40-43). Thus, each of *Chaloner-Gill's* layers have a thickness that is less than about 30  $\mu\text{m}$  and less than Applicants' claimed gas absorbable material thickness. As described in Applicants' specification, a gas absorbable material thickness of less than 50  $\mu\text{m}$  results in difficulty in forming the gas absorbable material. (Specification, page 16, lines 10-16). Therefore, *Chaloner-Gill* specifically teaches away from Applicants' claimed gas absorbable material thickness. For at least this reason, one having skill in the art would have been taught away from Applicants' claimed gas absorbable material thickness by the teachings of *Chaloner-Gill*.

*Chaloner-Gill* in view of *Bullock* still fails to disclose or suggest Applicants' claimed gas absorbable material thickness. *Bullock* fails to even discuss the thickness of a gas absorbable material. Instead, *Bullock* merely states that its polyethylene bag 20 has a thickness of 0.0006 inches, which is 15.24  $\mu\text{m}$ . Therefore, *Chaloner-Gill* in view of *Bullock* still fails to disclose or even suggest Applicants' claimed gas absorbable material that has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm.

Thus, for at least this reason, *Chaloner-Gill* in view of *Bullock* fails to disclose or suggest claim 1.

Claims 2-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* in view of *Bullock et al.* as discussed above. *Kamauchi* still fails to disclose or suggest Applicants' claimed gas absorbable material that has a thickness in a range of 50  $\mu\text{m}$  to 1.0 mm. In fact *Kamauchi* fails to even discuss gas absorbable materials. Therefore, *Chaloner-Gill* in view of *Bullock et al.* and

further in view of *Kamauchi* still fails to disclose or suggest claim 1.

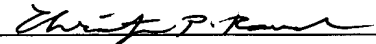
Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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